

ARTICLE 39

AMEND ZONING BYLAW 475 BEDFORD STREET, LEXINGTON, MA

PROPOSED MOTION

That the Zoning Map and Bylaw of the Town be amended to create the Preliminary Site Development and Use Plan (“PSDUP”) for the Planned Development District PD- 7 consisting of Lot 85A on Assessor’s Map 84 located at 475 Bedford Street, Lexington, MA as described below:

PLANNED DEVELOPMENT DISTRICT PD-7

1. AUTHORITY TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT.

This Preliminary Site Development and use Plan[“PSDUP”] to establish the Planned Development District PD- 7[“PD- 7 District”] is prepared under the provisions of Chapter 135 of the Code of the Town of Lexington (the “Town”) as amended through Special Town Meeting 2022 (the “Zoning Bylaw”), § 7.3, Planned Development Districts. The Planning Board has published regulations further detailing the process to establish a Planned Development District which are contained in Chapter 176 of the Code of the Town (the “Planning Board Zoning Regulations”), § 8.0, Planned Development Districts.

2. DESCRIPTION OF PD- 7 DISTRICT.

This Planned Development District PD-7 consists of the land on Town Assessor’s Map 84 Lot 85A located at 475 Bedford Street, Lexington, Ma. which includes 9.08 acres of land.

3. ZONING BYLAW APPLICABILITY.

- 3.1 This PSDUP shall regulate development in the PD- 7 District. The standards of this PSDUP may differ from those set forth for other districts under the Zoning Bylaw. In the event of inconsistency or conflict between the text and Regulatory Plans of this PSDUP and any provisions of the Zoning Bylaw applicable to this Planned Development District, the text and Regulatory Plans of this PSDUP control. Other than the standards, uses and requirements of the PSDUP for this PD-7 District, the Zoning Bylaw, as amended from time to time, shall apply to the PD- 7 District unless any such amendment is in conflict with this PSDUP.
- 3.2 Unless herein noted otherwise, where this PSDUP is silent with respect to any provision of the Zoning Bylaw applicable to this Planned Development District, the Zoning Bylaw shall control. Terms used and not otherwise defined herein have the meanings as may be ascribed to them in the Zoning Bylaw. Where this PSDUP is silent with respect to any provision of the Planning Board Zoning Regulations, such Planning Board Zoning Regulations as amended from time to time, shall apply to the PD-7 District, unless inconsistent or in conflict with the text and Regulatory Plans of this PSDUP.

4. PSDUP TO BE EFFECTIVE UPON TRANSFER.

This PSDUP establishes the zoning for the PD- 7 District, and any successors and assigns in interest in the land within the PD-7 District are bound to the terms and conditions of this PSDUP.

5. PLANS AND DOCUMENTS.

- 5.1 Regulatory Material. In the event of conflict or inconsistency between the text of this PSDUP and the plans and documents incorporated by reference within it, the text of this PSDUP controls. Per 7.3.2.4 of the Zoning Bylaw, the vote of the Town Meeting shall refer to the PSDUP, which shall be considered part of the rezoning action. The following plan set, titled “475 Bedford Street Planned Development District PD-7” and dated (the “Regulatory Plans”), is incorporated herein as Appendix A and made part of this PSDUP:

Regulatory Plans	By
1. Title Sheet	VHB Engineering
2. Property Rights and Dimensional Standard Plan C100	VHB Engineering
3. Site Construction Plan C200	VHB Engineering
4. Planting Plan L100	VHB Engineering
6. Building Elevations A201	SGA Architecture
7. Building Elevations A202	SGA Architecture

- 5.2 Non-Regulatory Material. Per 8.6[Non-regulatory Information] of the Planning Board Zoning Regulations, all parts of the PSDUP application submitted and not included in Section 5.1 above, if any, are considered explanations, background information, and justification for the rezoning. The complete PSDUP application is on file with the Planning Office.

6. PERMITTED USES.

- 6.1 Principal Uses. All of the following uses or any combination thereof are permitted in this Planned Development District, subject to, and consistent with, the dimensional and other standards provided in this PSDUP:
- a. Institutional Uses
 - (i.) Child care center
 - (ii.) Use of land or structures for religious purposes
 - (iii.) Use of land or structures for educational purposes on land owned or leased by the Commonwealth or its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a non-profit educational corporation
 - (iv.) Park, playground
 - b. Agricultural and Natural Resources Uses
 - (i.) Exempt agricultural uses and structures as set forth in M.G.L c. 40A-3
 - c. Office Uses
 - (i.) Medical, dental, psychiatric office, but not a clinic
 - (ii.) Medical, dental, psychiatric office, but not a clinic, with related laboratory

(iii.) Business or professional office

d. Personal, Business, or General Service Uses

- (i.) Beauty parlor, barber shop
- (ii.) Laundry or dry cleaning pickup station with processing done elsewhere; laundry or dry cleaning with processing on the premises, self-service laundromat or dry cleaning
- (iii.) Tailor, dressmaker, shoe repair
- (iv.) Real estate sales or rental
- (v.) Banking services
- (vi.) Travel agency, insurance agency, ticket agency
- (vii.) Photographic services including commercial photography
- (viii.) Repair of household appliances, small tools or equipment, rental of equipment or tools for use in a home
- (ix.) Medical clinic for outpatient services
- (x.) School not exempt by statute
- (xi.) Instruction in music or the arts or community education
- (xii.) Commercial printing, publishing
- (xiii.) Newspaper distribution agency
- (xiv.) Private postal service
- (xv.) Nonprofit community service center or charitable organization
- (xvi.) Private, nonprofit club or lodge of social, fraternal, veterans, professional or political association; union hall; not including a recreational club
- (xvii.) Convenience goods often bought on a daily basis such as food, candy, newspapers, tobacco products
- (xviii.) Other retail goods such as books, stationery, drugs, sporting goods, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, and the like which are typically of a size that a customer can carry by hand
- (xix.) Cafeteria, dining room, conference rooms, function rooms, recreational facilities; the use shall be conducted primarily for the employees or clientele of the principal use and not for the general public and shall be conducted entirely within the principal building with no evidence of the existence of the use from the street or from any lot line
- (xx.) Fitness center, athletic and exercise facilities, health and wellness studio
- (xxi.) Food, not intended for consumption on the premises; includes grocery store, but not a takeout or fast-food service
- (xxii.) Sale or rental of equipment and supplies, such as office furniture, to other businesses
- (xxiii.) Restaurant, fast-food service, takeout food service, brewery pub
- (xxiv.) Caterer or other establishment preparing meals for groups of people
- (xxv.) Hotel, motel
- (xxvi.) Museum, art gallery, private library

e. Manufacturing Uses

- (i.) Light manufacturing
- (ii.) Research and Development (R&D)
- (iii.) Biotech Manufacturing
- (iv.) Makerspace
- (v.) Processing, Storage, and Limited Manufacturing of Goods and Materials Solely Related to Research, Experimental, and Testing Facilities
- (vi.) Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes

- (vii.) Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including the production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative and support facilities related to any of the foregoing activities; all uses shall comply with applicable federal, state and local laws, regulations and ordinances including, without limitation, laws, regulations and ordinances governing air pollution, water pollution control, noise and illumination

f. Utilities, Communications and Transportation Uses

- (i.) Radio, television studio, but without transmitting or receiving towers
- (ii.) Wireless communication facility, as permitted by the Zoning Bylaw.
- (iii.) Transmitting or receiving tower or antenna for commercial activities other than those which are used exclusively for wireless communication facilities
- (iv.) Bus garage or storage facility

g. Parking Uses

- (i.) Automobile parking, surface or in a garage
- (ii.) Parking maintenance facilities for commercial vehicles
- (iii.) Parking of trucks or other equipment to be used for the maintenance of the buildings and grounds only; shall be parked only in a garage or in an outdoor area not within the minimum yard for the principal building and shall be screened from the view of abutting lots and the street
- (iv.) Temporary overnight outdoor parking of freight carrying or material handling equipment

h. Essential Services

- (i) Solar Energy System, Building-mounted
- (ii) Solar Energy System, Canopy
- (iii) Solar Energy System, Large-scale
- (iv) Solar Energy System, Small-scale

i. Temporary Uses

- (i) Temporary building or trailer incidental to the construction of the building or development
- (ii) Temporary structures and uses not otherwise permitted in the district, provided the Building Commissioner finds that the proposed structure or use is compatible with the neighborhood

- j. The Development Standards of Zoning Bylaw use table sections F. G. 2.0, H.2.0, and I.2.0 do not apply.

k. Operating Standards

- (i.) Operations, in part or whole, conducted outdoors during operating hours
- (ii.) Storage of equipment and products outdoors during non-operating hours

6.2 Accessory Uses. The limit and size of accessory uses set forth in 3.2.2 of the Zoning Bylaw do not apply. All accessory uses or structures customary and incidental to the

principal uses or structures in Section 6.1 above [which principal uses are also permitted as accessory uses], 3.2.1 of the Zoning Bylaw, and the accessory uses in Section 6.2 hereunder are permitted as accessory uses

7. DIMENSIONAL STANDARDS.

Section 7.3.2.1 of the Zoning Bylaw provides that a Planned Development District does not have predetermined standards for development, and Table 2 of 4.1.1. [Schedule of Dimensional Controls] of the Zoning Bylaw does not contain standards that apply to a Planned Development District. The following are the only dimensional controls that apply to the PD-7 District and Section 4[Dimensional Controls] do not apply:

	Required
Minimum Lot Area	30,000 square feet
Minimum Lot Frontage	175 feet
Minimum Front Yard Setback	30 feet
Minium Side Yard Setback	20 feet
Minium Rear Yard Setback	20 feet
Maximum Floor Area Ratio	0.75
Maximum Site Coverage	50%
Maximum Building Height	80 feet

7.1 The Planning Board may grant a Special Permit to exceed the maximum height in feet or the percentage of horizontal coverage of structure erected on a building or structure allowed by this Section 7 Dimensional Standards provided it makes a determination that the structure is compatible with the scale of the neighborhood and does not negatively impact the solar access of any adjoining lot.

7.2 The height of a building or structure in the PD-7 District shall be determined as follows;

The vertical distance between the lower elevation and the upper elevation, where the lower elevation is the mean average finished grade of the building, or in the case of a non-rectangular building, from reasonable equivalent locations around the perimeter of the building, and the upper elevation is the highest point of any ridge, gable or other roof surface, or parapet.

Structures erected on a building and not used for human occupancy, such as but not limited to air and exhaust equipment, chimneys, heating-ventilating or air-conditioning equipment, solar or photovoltaic panels, elevator housings, antennas, skylights, cupolas, spires, mechanical and acoustical screening and the like ("rooftop structures"), may exceed the maximum height of a building in feet provided, except as otherwise stated below, no part of the rooftop structure(s) is more than twenty (20) feet higher than the maximum permitted height of the building.

All mechanical equipment shall be enclosed either within the mechanical penthouse or mechanical/acoustical screening enclosure. The penthouse and mechanical/acoustical screen must be set back a minimum of 5' from the edge of the roof.

Notwithstanding the foregoing: (a) an aggregate area not to exceed five (5) percent of the total roof area may contain rooftop structures that extend up to thirty (30) feet above the roof line (these structures shall be included in the calculation of the horizontal coverage limit set forth above), and (b) none of the aforementioned rooftop structures may exceed 20' above the roof line on a parking garage structure.

- 7.3 Where used, the calculation of Net Floor Area in the PD-7 District is determined by using 80% of the Gross Floor Area exclusive of the Gross Floor Area of areas used for parking and loading [which includes garages and other structured parking].

8. SPGA. The Special Permit Granting Authority [“SPGA”] as designated in the Zoning Bylaw or where referred to herein is the Planning Board.

9. Other Zoning Provisions

- 9.1 Landscaping, Transition and Screening. The Landscape Planting Plan, submitted as part of the Regulatory Plans, depicts the detailed landscaping for the PD-7 District. The standards of 5.3[Landscaping, Transition, and Screening] of the Zoning Bylaw do not apply except that the provisions of 5.3.1[Purpose], 5.3.3 [Landscaping Plan Required], 5.3.11[Maintenance], 5.3.13[Screening of Other Uses within the Lot], and 5.3.14 [Special Permit] apply. The SPGA may by Special Permit waive any provision of this Section 9.1 of the PSDUP text where it determines that such a waiver would be consistent with the objectives set forth in 5.1.1. [Purpose] of the Zoning Bylaw and would not result in substantial detriment to the surrounding neighborhood.
- 9.2 Traffic Standards. This PSDUP relies on findings in the Traffic Impact and Access Study for the PD-7 District and will be subject to the traffic demand management policies therein and subject to amendment at Site Plan Review as may be necessary. The provisions of § 5.5 of the Zoning Bylaw, Traffic Standards, do not apply to this Planned Development District.
- 9.3 Off-Street Parking and Loading. For the PD-7 District, the standards of 5.1 of the Zoning Bylaw, [Off-street Parking and Loading], shall not apply except for the following:
1. The objectives of 5.1.1 [Purpose] of the Zoning Bylaw apply.
 2. The provisions of 5.1.3, [Parking Plan]; 5.1.7, Preferential Rideshare Parking; 5.1.8, Bicycle Parking Facilities; 5.1.10 Driveways; 5.1.12, Screening for Parking; 5.1.13.1 Dimensions for Parking; 5.1.13.2 Compact Parking Spaces; 5.1.13.3 Loading Bay Dimensions; 5.1.13.4 Marking; 5.1.13.5 Availability; 5.1.13.7 Surface and Drainage; 5.1.13.8 Grading;; 5.1.13.11 Electric vehicle [EV] charging and 5.1.14, Special Permit, shall apply with respect modifying the PSDUP provisions herein regarding off-street parking and loading.
 3. 3 loading bays are required in the PDD-7 district..
 4. Calculation of required off-street parking spaces shall be provided in compliance with 5.1.4, 5.1.5 and 5.1.6 of the Zoning Bylaw , with the exception of the following requirements which shall supersede any other applicable requirements of the Zoning Bylaw:

TYPE OF PRINCIPAL USE Note: parking is not required for accessory uses	PARKING FACTOR <i>(minimum number of parking spaces to be provided)</i>
OFFICE USES	
All permitted Office uses (except as otherwise classified)	1 per 400 s.f.
Medical office, out-patient clinic	1 per 200 s.f.
MANUFACTURING, RESEARCH USES	
Manufacturing, research laboratory	1 per 500 s.f.
Construction, storage, distribution and industrial service users	1 per 1,000 s.f.
All other permitted uses	As needed

9.4 Additional Parking Provisions

1. Maximum Parking. There shall be a maximum of 550 parking spaces in the PD-7 District.
2. No required setbacks apply to side and rear lot lines in the PD-7 District for the paved parts of parking spaces, driveways or maneuvering aisles [which may extend to the side and rear lot lines].

9.5 Signs. The PD-7 District is subject to the Regulatory Plans submitted herewith. The standards of 5.2 [Signs] of the Zoning Bylaw, shall not apply except for the following:

1. The objectives of § 5.2.1[Purpose] apply.
2. The provisions of 5.2.3[Exemptions] apply
3. The General Regulations of § 5.2.4 apply.
4. The provisions of § 5.2.5, Prohibited Signs, apply.
5. The provisions of 5.2.8 [Commercial Districts] do not apply. Instead, a maximum of a) two wall signs that conform to the requirements of 5.2.8.1[f-g] of the Zoning Bylaw per building, including parking structures, that are no more than twelve feet in width and eight feet in height, and b) two standing signs per building that are no more than [i] ten feet and one hundred square feet in area for standing signs shall be permitted by right. In addition, one directory sign conforming to 5.2.8.1[e] of the Zoning Bylaw shall be permitted per building entrance. All new or relocated wall, standing or projecting signs in the PD-7 District that conform with these requirements shall be subject to minor site plan review by the Planning Director as the Planning Board's designee pursuant to 9.5.4 of the Zoning Bylaw
6. The provisions of § 5.2.10, Special Permit, apply.

In addition, any wall sign, free standing sign or other legally permitted sign presently in existence on the Site as of the submission date of this PSDUP may be retained and relocated within the Site, so long as it is not enlarged unless permitted by the Zoning Bylaw.

9.6 Illumination. The provisions of 5.4 of the Zoning Bylaw, Outdoor Lighting, apply.

- 9.7 Solar Energy Systems. The provisions of 6.11 of the Zoning Bylaw, 6.11.1(Purpose and Intent), 6.11.2(Applicability), 6.11.3(Design Standards) apply.

The Solar Energy System exemption from the limitation on accessory use in 3.2.2 of the Zoning Bylaw applies. The Zoning Bylaw provision in Height Regulations, 4.3.1.3, that a Solar Energy System may be located over any paved parking lot, applies. The Zoning Bylaw provisions in 7.3.4, Protected uses, applies except 6.11.3.c shall not apply.

- 9.8 Sustainable Design. The provisions of Zoning Bylaw 7.4.4 apply, including 7.4.4.2 adopted at the Special Town Meeting 2021 as Article 17 which reads as follows: Buildings over sixty-five (65) feet shall utilize a heating, ventilation, and air conditioning (HVAC) system with a first stage of heating that uses a combination of air-source, ground-source or exhaust-source heat pumps or other heating system with a Coefficient of Performance (COP) greater than 1.0 that does not use on-site fossil fuel combustion and which has a minimum heating capacity of five (5) British thermal units (Btu) per hour per gross square foot or equal to the building's design heating load, whichever is lower. Any additional stage of heating capacity above five (5) British thermal units (Btu) per hour per gross square foot may utilize on-site combustion, provided the HVAC and building management systems are designed and programmed such that normal operation initially relies on the non-combustion system to serve all building heating loads as the first stage before using any on-site combustion heating systems to supplement in a subsequent stage. This subsection 7.4.4.2 shall not apply to systems not related to building heating, such as emergency backup power generators, humidification, and process equipment. Per 7.4.5 the SPGA may grant a special permit modifying the requirements of 7.4.4.

10. SPECIAL CONDITIONS.

- 10.1 Traffic Mitigation and Traffic Demand Management. As a condition to the issuance of a certificate of occupancy, the Traffic Mitigation and Traffic Demand Management measures described in the Parking and Traffic Demand Management Plan incorporated and attached hereto as Appendix B shall be satisfied and as may be amended at Site Plan Review as necessary.